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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MATTHEW B. CRAMER,

12 Plaintiff,

13 v.

14 JEFF MACOMBER, et al.,

15 Defendants.
16

Case No. 1:25-cv-00489 JLT SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF’S APPLICATION TO PROCEED
IN FORMA PAUPERIS, AND DIRECTING
PLAINTIFF TO PAY FILING FEE WITHIN
20 DAYS

(Docs. 2, 9)

17 Matthew B. Cramer seeks to proceed *in forma pauperis* in this action, in which he alleges
18 the defendants—including the CDCR director, Inspector General, the warden of Norther Kern
19 State Prison, and several correctional officers—violated his civil rights while housed at NKSP.
20 (Doc. 1.) Plaintiff requests to proceed *in forma pauperis* in this action. (Doc. 2.)

21 The magistrate judge reviewed Plaintiff’s litigation history and identified three actions
22 that qualified as strikes under 28 U.S.C. § 1915(g). (Doc. 9 at 2.) In addition, the magistrate
23 judge found Plaintiff’s “allegations fail to demonstrate imminent danger of serious physical injury
24 at the time of filing.” (*Id.* at 3.) In so finding, the magistrate judge observed that Plaintiff’s
25 imminent danger allegations were based on past dangers while housed at NSKP and were
26 speculative in nature. (*Id.* at 3-4.) Therefore, the magistrate judge found the imminent danger
27 exception to Section 1915 does not apply and recommended that the Court deny the motion to
28 proceed *in forma pauperis*. (*Id.* at 5.)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that
2 any objections were due within 14 days. (Doc. 9 at 5.) The Court advised Plaintiff the “failure to
3 file any objections within the specified time may result in the waiver of certain rights on appeal.”
4 (*Id.* at 5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
5 objections and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations filed on May 2, 2025 (Doc. 9) are
10 **ADOPTED** in full.
- 11 2. Plaintiff’s motion to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- 12 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full
13 the \$405.00 to proceed with his action.

14 **Plaintiff is advised that failure to pay the required filing fee as ordered will result in**
15 **the dismissal of this action without prejudice.**

16
17 IT IS SO ORDERED.

18 Dated: **May 28, 2025**


UNITED STATES DISTRICT JUDGE